



## Stephen P. Younger

Partner

[spyounger@pbwt.com](mailto:spyounger@pbwt.com)

Tel: 212-336-2685

Fax: 212-336-7981

Stephen P. Younger, Past President of the New York State Bar Association, is a leading commercial litigator who is also well-known for his alternative dispute resolution work. Having been with Patterson Belknap since 1985, Mr. Younger has more than 35 years of experience as a business litigator. As a seasoned trial lawyer, he has tried many cases in federal and state courts and before arbitration panels. He also frequently argues appeals, particularly in the appellate courts of New York. Based on his significant ADR experience, he is often called on to serve as an arbitrator or mediator in high-stakes matters. Mr. Younger serves as Editor of the New York Commercial Division Practice Guide, which is part of Bloomberg Law's Litigation Practice Portfolio Series and is Editor of the firm's Commercial Division Blog.

Mr. Younger's clients include financial institutions, mutual funds, hedge funds, pension funds and venture capital firms, and also multi-national conglomerates, who become involved in commercial, securities, insurance and real estate disputes. He has an extensive practice representing European and Latin American companies in U.S.-related matters. He regularly handles trusts and estates litigations. In addition, he often practices before the New York State Attorney General's office.

Mr. Younger served as the Transition Director for Gov. Andrew M. Cuomo when he was elected to serve as the New York State Attorney General. He also was a member of Governor Cuomo's Transition Committee following his election as Governor. He has advised Gov. Cuomo's successors as Attorney General on their transitions. In addition, he served on the Transition Committee for New York County District Attorney Cyrus Vance.

In addition to his previous role as State Bar President, Mr. Younger has sat on numerous New York State Bar Association committees. He is Past Chair of the State Bar's Commercial and Federal Litigation Section, having previously served as Chair of its Securities Litigation Committee and of its ADR Committee. Mr. Younger served as Chair of the State Bar's Task Force on Nonlawyer Ownership of Law Firms. He also chaired the State Bar's Subcommittee on the Judiciary Article of its Constitutional Convention Committee.

Mr. Younger is the State Delegate for New York to the ABA's House of Delegates where he chairs the New York delegation. He chairs the ABA's Issues of Concern to the Profession Committee. He is a member of the Steering Committee for the ABA's Nominating Committee. He serves on the ABA's Committee on the American Judicial System. He is Past Chair of the ABA's International Mediation Committee and its Task Force on International Trade in Legal Services. He previously served as the ABA's representative to the United Nations Economic and Social Council. He chaired the ABA's 2017 summer meeting in New York City. He is also a member of SCG Legal's COVID-19 Task Force.

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Mr. Younger was Counsel to the New York State Commission on Judicial Nomination, which nominates New York's Court of Appeals Judges. He is also a member of the Governor's First Department Judicial Screening Committee which screens judges for appointment to the Appellate Division of New York's Supreme Court.

Mr. Younger is Chair of the Board of the Historical Society of the New York Courts. He is a member of the Board of Directors of the Fund for Modern Courts and received the Fund's John J. McCloy Award. He served on the Chief Judge's Task Force on Commercial Litigation in the 21st Century, and currently serves on the Chief Judge's Commercial Division Advisory Council. He was formerly a member of the Chief Judge's Advisory Committee on New York State Pro Bono Bar Admission Requirements. He is a co-editor of Patterson Belknap's Commercial Division Blog.

Mr. Younger serves on the Board of Directors of the CPR Institute for Dispute Resolution. He chairs CPR's International Committee, and previously served as Chair of its Executive Advisory Committee. He is a founding Board member and Vice Chair of the New York International Arbitration Center. He is a Fellow of the Chartered Institute of Arbitrators. He also served on the ADR Advisory Committee of the U.S. District Court for the Eastern District of New York.

A long-time Trustee of Albany Law School, Mr. Younger is Past President of its National Alumni Council and is a recipient of the school's Distinguished Alumni Award. He is also Vice President of the Harvard Club of New York City and previously served on the Club's Audit Committee.

Mr. Younger is an Adjunct Professor of Law at Fordham University School of Law where he teaches commercial litigation.

Mr. Younger has spoken at more than 200 seminars and written over 30 articles in the fields of securities litigation, commercial arbitration, international dispute resolution, the legal profession, and COVID-19 litigation.

Prior to joining Patterson Belknap, Mr. Younger served as Law Clerk to the Hon. Hugh R. Jones, Associate Judge of the New York Court of Appeals.

## Education

- Albany Law School (J.D., 2011)
  - honoris causa
- Albany Law School (J.D., *magna cum laude*, 1982)
  - Editor-in-Chief, *Albany Law Review*
- Harvard University (B.A., *cum laude*, 1977)

## Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern and Eastern Districts of New York
- U.S. Tax Court
- New York

## Professional Activities

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HONORS: The Citizens Union of the City of New York Civic Leadership Award; Volunteer Lawyers Project Dedication to Justice Award; Fund for Modern Courts John J. McCloy Award; Albany Law School Distinguished Alumni Award; Puerto Rican Bar's Advancement of Justice Award; Weinberg Center for Elder Abuse Prevention Champion for Change Award; Exodus Transitional Community's Social Justice Award; Listed as a "Litigation Star" for New York in Euromoney Institutional Investor PLC's *Benchmark: America's Leading Litigation Firms and Attorneys*; Recognized in *The Best Lawyers in America*® in the areas of Alternate Dispute Resolution and Appellate Law; Named to Top 100 New York City attorneys in *Super Lawyers*; Received Martindale-Hubbell's highest rating of "AV Preeminent".

MEMBERSHIPS: Past President, New York State Bar Association (Chair, Judiciary Article Subcommittee of the Constitutional Convention Committee; Past Chair, Nominating Committee; Past Chair, Court Operations Committee; Past Chair, Commercial and Federal Litigation Section; Past Chair, Task Force on Nonlawyer Ownership of Law Firms; Past Chair, ADR Committee; Past Chair, Securities Litigation Committee); Past Chair, Mid-Atlantic Bar Conference; N.Y.S. Delegate, ABA House of Delegates; Member, Steering Committee, ABA Nominating Committee; Member, ABA Committee on the American Judicial System; Past Chair, ABA International Trade in Legal Services Committee; Past Chair, ABA International Mediation Committee; Member, Association of the Bar of the City of New York (Past Member, Committee on Arbitration; Past Secretary, Task Force on Civil Courts); Former Counsel, New York State Commission on Judicial Nomination; Member, Governor's Judicial Screening Committee, First Department; Member, Chief Judge's Commercial Division Advisory Council; Member, Task Force on Commercial Litigation in the 21st Century; Past Member, Chief Judge's Advisory Committee on New York State Pro Bono Bar Admission Requirements; Fellow, Chartered Institute of Arbitrators; Past Member, ADR Advisory Committee, Eastern District of New York; Mediator, United States District Court, Southern District of New York, Eastern District of New York; Advisory Board, Financial Markets Regulatory Institute; Board of Directors, CPR Institute for Dispute Resolution (Past Chair, Executive Advisory Committee; Chair, International Committee); Board of Directors, Fund for Modern Courts (Member, Executive Committee); Founding Board Member and Vice Chair, New York International Arbitration Center; Advisory Council, Brooklyn Legal Services; Chair of the Board, Historical Society of the N.Y.S. Courts; Founding Board member, Latino Judges Association Foundation; Congress of Fellows, Center for International Legal Studies; Fellow, The New York Bar Foundation; Fellow, the American Bar Foundation; Trustee Emeritus, Albany Law School; Past President, National Alumni Council, Albany Law School; Vice President, Harvard Club of New York City.

## IN THE MEDIA:

- [NYC Landlords Seek Injunction Against COVID-19 Rent Laws](#) (July 23, 2020)
- [SCG Global Spin Brazil Legal Update](#) (July 15, 2020)
- [SCG Global Spin Colombia Legal Update](#) (July 12, 2020)
- *New York Law Journal*, "[NY Court of Appeals Expected to Hear In-Person Arguments Once Again](#)" (May 27, 2020)
- *New York State Bar Association*, "[75% to Work from Home: Are Law Firms Ready?](#)" (March 19, 2020)
- *New York Law Journal*, "[Judge Lippman Named President of Historical Society](#)" (February 1, 2019)

## Publications

- Co-author, "[COVID-19's Impact on Commercial Transactions and Disputes](#)," *PLI Current: The Journal of PLI Press* (October 30, 2020)
- Co-author, "[Commercial Division Sees Uptick, Followed by Flattening in Case Filing](#)," *New York Law Journal* (August 19, 2020)

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- Co-author, "[Virtual Lawyering Practice: Arbitration](#)," *Virtual Lawyering: A Practical Guide* (August 2020)
- Co-author, "[M&A Freeze-Out Ruling Underscores Minority Investor Right](#)" *Law360* (August 13, 2020)
- Co-author, "[COVID-19 Business Interruption Coverage – Chief Roadblocks And Potential Paths To Coverage For Commercial Losses In New York](#)" *MEALEY's Litigation Report: Catastrophic Loss* (August 13, 2020)
- Co-author, "[COVID-19 Business Interruption Coverage – Chief Roadblocks And Potential Paths To Coverage For Commercial Losses In New York](#)" *MEALEY's Emerging Insurance Disputes* (July 16, 2020)
- Co-author, "[INSIGHT: Business Interruption Recovery in New York—Two Cases Might Help](#)" *Bloomberg Law* (July 6, 2020)
- Co-author, "[Updates on COVID-19's Impact on Commercial Appeals](#)" *New York Law Journal* (May 29, 2020)
- Co-presenter, "[Lessons Learned From the 1918 Pandemic: Historical and Legal Framework of the Spanish Flu and How It Relates to Today's Crisis](#)," *Historical Society of the New York Courts* (May 11, 2020)
- Co-presenter, "[Lessons Learned From The 1918 Pandemic with Stephen Younger and Albert Rosenblatt](#)," *New York State Bar Association* (May 20, 2020)
- Co-author, "[How COVID-19 Will Affect Litigation In NY And Beyond](#)," *Law360* (March 25, 2020)
- Co-author, "[COVID-19's Impact on Commercial Transactions and Disputes](#)," *New York State Bar Journal* (March 23, 2020)
- Co-author, "[INSIGHT: First Department Reverses Injunctions Against Fuji-Xerox Merger](#)," *Bloomberg Law* (November 14, 2018)
- Co-author, "[Daesang V. NutraSweet Reaffirms NY's Pro-Arbitration Attitude](#)," *Law360* (October 11, 2018)
- Co-author, "[Commercial Division Enjoins Xerox-Fujifilm Deal Resulting in Resignation of Xerox's CEO](#)," *Bloomberg Law* (May 18, 2018)
- Co-Editor, "[New York Commercial Division Practice Guide](#)," *Bloomberg Law* (2017)
- Co-Author, "[Bringing Cayman Derivative Claims In NY Just Got Easier](#)," *Law360* (December 5, 2017)
- Co-Author, "[A Constitutional Convention, Opportunities to Restructure and Modernize the New York Courts](#)," *NYSBA Journal* (October 2017)
- Co-Author, "[First Department Adds Two New Factors to New York's Standard of Review for Non-Monetary Settlements of Shareholder Class Actions](#)," *Bloomberg BNA's Corporate Law & Accountability Report* (March 1, 2017)
- Co-Author, "[Court Confirms Hedge Funds Did Not Act In Bad Faith, Affirms Large Judgment](#)," *New York Law Journal* (February 7, 2017)
- Co-Author, "[A New Tool For Obtaining Jurisdiction In New York Courts](#)," *Law360* (February 2, 2017)
- Author, "[Chapter 25: Use of Non-Binding Alternative Dispute Resolution Mechanisms to Foster Settlement](#)," *Settlement Agreements in Commercial Disputes: Negotiating, Drafting & Enforcement* (2017)
- Author, "[More Reasons to Arbitrate in the Big Apple](#)," *New York Law Journal* (November 25, 2013)
- Author, "[New York Law as an International Standard for Business](#)," *Financier Worldwide* (2011)
- Author, "[Court Simplification in New York](#)," *N.Y. County Lawyer* (2012)
- Author, "[Parallel Proceedings in Securities Enforcement Actions](#)," *Journal of Securities Law, Reg. & Compliance* (2010)
- Author, "[Effective Representation of Corporate Clients in Mediation](#)," *Albany Law Review* (1996)

## Representative Matters

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## ***Complex Commercial Litigations***

Represented a manufacturing company in a shareholder class action concerning non-disclosure of the impact of business developments on its stock price.

Defended a brokerage firm in a RICO and securities fraud litigation concerning alleged non-disclosures of information and manipulation of market in a major Eurobond offering.

Obtained dismissal of a \$2 billion claim versus directors and officers of a foreign bank.

Defended a media company in a class action concerning the restructuring of a television station limited partnership.

Obtained dismissal on summary judgment of a securities class action against directors of a consumer products company.

Prosecution for a brokerage firm of NASD arbitration involving complex securities market manipulation scheme.

Conducted investigations and prosecuted litigations of an unauthorized trading scheme for a state-owned mining company, including allegations of kickback payments and market manipulation of commodities trading.

Represented a foreign bank in complex litigation brought against the trustee that oversaw mortgage pools that were alleged to have been impacted by fraudulently induced condominium purchases.

Advising the board of a tech company on takeover defense issues.

## ***Arbitrations and ADR***

Successfully defended a brokerage firm in multi-day arbitration hearings against claims that CMO investments were unsuitable for an institutional client.

Prevailed in a major international arbitration liability hearing over the breach of an agreement to acquire a telecommunications company.

Chaired an arbitration panel in an international dispute over a merger and acquisition transaction.

Won a stock exchange arbitration involving failed securities trades on behalf of a brokerage firm.

Service as arbitrator in a dispute over the refurbishing of a private jet.

Mediated a dispute over liabilities assumed in a corporate takeover.

Successfully defended a publishing company in an arbitration seeking to enforce provisions of a shareholders agreement.

Served as the court-appointed mediator in a series of disputes over bond defaults by a Latin American country.

Represented a real estate developer in multi-day arbitration hearings in a complex construction dispute.

Represented a metals trading company in a multi-million dollar commodities arbitration involving aluminum and bauxite trading contracts.

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## ***Insurance Coverage***

Led a private equity firm's successful efforts to convince their D&O carrier to cover a series of litigations that threatened the company.

Represented a mutual fund in a case that went up on appeal to the U.S. Court of Appeals for the Second Circuit on the issue of whether our client's insurer would have to cover a series of fraud suits brought by our client's customers.

Represented a major U.S. pharmaceutical and health products company regarding business interruption coverage arising from a consumer product recall.

Serve as Chair of the arbitration panel in a multi-million-dollar dispute relating to an explosion at an oil refinery.

Represented an insurance broker charged by the New York Attorney General and various class action plaintiffs with receiving what are known as "contingent commissions."

Spearheaded a Constitutional challenge to New York's system for self-funding workers compensation coverage for workplace accidents.

Investigated a complex fraud scheme involving the privatization of state-owned enterprises in Azerbaijan, and launched cases around the world to freeze \$80 million worth of assets and recover the funds for a major insurance company.

## ***Appeals***

Obtained a reversal in a landmark Court of Appeals decision on attorney-client privilege in the context of mergers and acquisitions.

Successfully appealed a groundbreaking fiduciary duty decision concerning the liability of financial advisers in New York.

Won a case of first impression in New York's Appellate Division concerning the viability of a fraud claim for concealing evidence that was subpoenaed in a commercial arbitration.

Obtained reversal of an attachment order over a Miami hotel under novel jurisdictional theories.

Argued the appeal of collateral estoppel issues in a major commercial litigation before the New York Court of Appeals.

Handled an appeal to the New York Court of Appeals in a case of first impression involving the enforceability of preliminary agreements under New York law.

Handled a Second Circuit appeal regarding the scope of arbitration clauses as applied to a mutual fund adviser.

Argued an appeal before the New York Court of Appeals in a dispute over the dissolution of a hedge fund.

Won an appeal in the Second Circuit of a preliminary injunction against retaliation under the FLSA.

## ***Trusts and Estates Litigation***

Represented a high-profile individual in connection with his role as Executor of his late wife's estate including his right to discovery into questionable transactions.



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Negotiated the resolution of litigation for a high net worth individual client regarding his elective share rights to his late wife's estate.

Successfully resolved on behalf of the estate of a prominent physician a potential will contest.

Won a major victory at trial before the U.S. Tax Court on behalf of several members of a family regarding whether sales of the stock among shareholders of a major closely-held corporation constituted arms-length transactions to establish the value of the shares.

Service as special counsel to a husband in a divorce litigation and related appeals to address assets held in family trusts.

## ***Attorney General Representations***

Advised a leading credit reporting company in connection with Attorney General and related investigations into a data breach.

Handled an appeal in the New York Court of Appeals addressing whether the New York Attorney General is bound by arbitration clauses signed by alleged victims and the standard for pleading fraud claims brought by the Attorney General.

Handled the reorganization of a non-profit organization whose operations were regulated by the Attorney General's office.

## ***Law Firm Defense***

Defended securities fraud suit against major law firm concerning bond issue of a United States commonwealth.

Defended disciplinary complaint brought against corporate attorney.

Defended multiple disqualification motions in major commercial litigation.

Advised law firm on compliance with ethics rules.

Service as expert witness in law firm-related issues.

## ***Other High Profile Matters***

Served as lead counsel in mediation of a dispute over a large bequest to a Presidential Library.

Served as Special Counsel to the Mayor to investigate the New York City Commissioner of Cultural Affairs.

Represented well-known hip-hop producer in First Amendment challenge to New York's Lobbying Law.

Handled litigation challenging the constitutionality of aspects of New York's Workers Compensation Law.

Advised New York's then Chief Judge on legal issues surrounding the prolonged failure to grant pay raises to members of the Judiciary.